

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
Southern Division

**AMERICAN ACADEMY OF
PEDIATRICS, *et al.*,**

Plaintiffs,

v.

**FOOD AND DRUG
ADMINISTRATION, *et al.***

Defendants.

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Case No.: PWG-18-883

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ORDER

For the reasons stated in the Memorandum Opinion issued this same day, it is, this 15th day of May, 2019, hereby ORDERED that

1. Plaintiffs' Motion for Reconsideration, ECF No. 63, IS GRANTED;
2. The parties' cross-motions, ECF Nos. 31 and 36, ARE REOPENED;
3. Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, treated as a motion for summary judgment, ECF No. 36, IS DENIED;
4. Plaintiffs' Motion for Summary Judgment, ECF No. 31, IS GRANTED;
5. The FDA's August 2017 Guidance IS VACATED;
6. Plaintiffs will submit additional briefing regarding a remedy, as discussed in the Memorandum Opinion, in fifteen pages or less, within fourteen days of the date of this Memorandum Opinion;

7. Defendants will have fourteen days to respond, in fifteen pages or less, and Plaintiffs will have five business days to reply, in ten pages or less.

/S/
Paul W. Grimm
United States District Judge

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